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STATE OF MARYLAND
PUBLIC INFORMATION ACT COMPLIANCE BOARD

PIACB 26-102

August 26, 2026

Maryland Historical Trust, Custodian
Brooke Evans Jordon, Complainant

In October of 2025, complainant Brooke Evans Jordon sent a Public Information Act (“PIA”) request to the Maryland Historical Trust (“MHT”) asking for records related to a certain archaeological site. MHT produced an interim report concerning archaeological mitigation and advised that MHT did not have any additional responsive records. In this complaint, the complainant alleges that MHT has denied inspection of potentially responsive records by conducting an insufficient search. MHT, through counsel, responds that MHT performed a reasonable search for records and has complied with the PIA. As discussed below, we find no violation of the PIA.

Background

The Maryland Historical Trust is part of the Maryland Department of Planning’s Division of Historical and Cultural Programs. *See* Md. Code Ann., State Fin. & Proc. § 5A-102. The General Assembly created MHT in part to “preserve, protect, and enhance districts, sites, buildings, structures, and objects of significance in the prehistory, history, upland and underwater archaeology, architecture, engineering, and culture of the State.” *Id.* § 5A-311(a). Through its Board of Trustees, *see id.* §§ 5A-312, 5A-313, MHT has the power to, among other things, “acquire, attach, accept, or take title to an historic property” and “preserve, restore, rehabilitate, reconstruct, protect, document, excavate, salvage, exhibit, and interpret historic properties,” *id.* § 5A-318(b). Among its duties, MHT must “cooperate with units of federal government, State units, political subdivisions, and private entities to ensure that historic properties are considered at all levels of planning and development.” *Id.* § 5A-318(c)(8).

On October 23, 2025, the complainant sent the following PIA request to MHT, requesting “complete copies of the records listed below relating to Site 18BC111”:

Archaeological Records Requested

Please provide all archaeological files and site documentation associated with Site 18BC111, including:

- Phase I Archaeological Report – Site 18BC111

- Phase II Archaeological Report – Site 18BC111
- Phase III Interim Excavation Report (1995-1996) by the Baltimore Center for Urban Archaeology (BCUA), including:
 - Burial inventories and grave shaft records
 - Site Plans and burial maps
 - Names recovered from Christ Church tombstone fragments
 - Artifact catalogs and excavation field notes
 - Osteological study records
 - Documentation of reinterment at Oak Lawn Cemetery
 - All appendices, permits, forms, and photographic documentation

Legal, Vestry, and Land Transfer Records Requested

In addition, please provide copies of all legal and historical property records connected to this burial ground site, including:

- *The Vestry of Christ Church, et al. v Benjamin Baker, et al.* (1855) – Equity Court records regarding subdivision and sale of Christ Church burial ground
- *Julianna Williamson, et al. v Mayor & City Council of Baltimore* (1863) Equity dispute concerning Old Potter’s Field.
- Vestry minutes, burial lot deeds, land transfer records, and correspondence related to:
 - Christ Church (East Baltimore)
 - St. Paul’s Parish
 - Johns Hopkins Hospital trustees
 - Maryland Hospital / Spring Grove

On November 6, 2025, staff in the Maryland Department of Planning (“MDP”), of which MHT is part, responded on behalf of MHT. MHT attached a document titled “BC186 The Interim Report of the Phase II Archaeological Mitigation at the Site of the Johns Hopkins Comprehensive Cancer Care Center, Hampstead Hill (18BC111).” MHT advised that that record was “the only MHT report or document that relates to site 18BC111 and thus is responsive to [the] request.” MHT explained that it did not “curate the archaeological collections associated with 18BC111 and [did] not maintain legal and historical property records related to this site.”

On November 13, 2025, after receipt of MHT’s response, the complainant contacted the Public Access Ombudsman to request dispute resolution assistance.¹ Through the

¹ The Ombudsman is charged with making “reasonable attempts to resolve disputes between applicants and custodians relating to requests for public records.” Md. Code Ann., Gen. Provisions § 4-1B-04(a). Before filing a complaint with our Board, a complainant must attempt

mediation process MHT, on April 7, 2026, issued a supplemental response to provide additional information about the records in MHT's custody.

MHT explained that the relevant site was "first investigated archaeologically in June of 1995, in connection with the planned construction of a new Johns Hopkins Comprehensive Cancer Care Center." MHT explained further that, "[b]ecause the construction involved state bond funding, MHT reviewed the project area for the existence of cultural resources and recommended that an archaeological investigation be undertaken." According to MHT, those investigations "were carried out by the Baltimore Center for Urban Archaeology (BCUA), which became defunct a few months later." MHT stated that it had "no record of any final report issued by BCUA," and that, per an "Archaeological Synthesis Project summary for 18BC111, all the collections, excavation notes, and other materials that BCUA produced were provided to the Maryland Historical Society."² On April 9, 2026, the Ombudsman issued a final determination stating that the dispute was not resolved and the complainant filed this complaint with our Board.

The complaint alleges that MHT has provided an "incomplete or insufficient response," and has denied inspection of "potentially responsive records." The complainant contends that the records she received from MHT "show that additional analysis, comments, review, and finalization were contemplated." The complainant asks for a "clear record trail so the remaining documentation can be located, reviewed, and properly handled." In particular, the complainant notes that the material she received "references detailed archaeological work, including mapping, burial figures, documentation procedures, artifact labeling, skeletal documentation, excavation procedures, reinternment information, and age/sex/height documentation forms." The complainant asserts that such references "strongly suggest that a broader record set existed or should have existed beyond one narrative report."

Pointing to "draft transmittal correspondence," dated December 23, 1996, and which was included with the records MHT produced, the complainant states that "the document provided to [her] was not necessarily the final complete record of the investigation." The complainant states that the correspondence "also raises the question of what happened to the later human-remains analysis, related notes, comments, findings, and final Phase III reporting materials." The complainant ask that MHT "be required to clarify whether it searched MAC Lab/JPPM records, MHT archaeological synthesis records,

to resolve a dispute through the Ombudsman and receive a final determination stating that the dispute was not resolved. *Id.* § 4-1A-05(a). The Ombudsman's final determination indicates that the initial dispute presented was the complainant's inability to access the records. However, once she gained access, the complainant disputed whether MHT had produced all responsive records.

² The Maryland Historical Society is now known as the Maryland Center for History and Culture. See <https://www.mdhistory.org/> (last visited Aug. 25, 2026).

project-review files, correspondence files, transfer files, funding/compliance files, and any custody or repository records related to Site 18BC111.” In the complainant’s view, “[i]f materials were transferred to a nonprofit, private institution, or third-party repository, the public should still be able to inspect the records showing that transfer, custody decision, accession, loan, repository agreement, or compliance basis.”

In response to the complaint, counsel for MHT maintains that “MHT conducted a search that was properly focused on those locations in which responsive records were reasonably likely to be found,” and provided “the only responsive record that it found.” Counsel also stresses that MHT advised the complainant that “it was not the custodian of any other site-related records that might exist, and it identified, to the best of its knowledge, the name of the current custodians and the records’ possible location.” Counsel urges that “[t]he PIA requires nothing more.” Counsel acknowledges that it is “understandable that [the complainant] would expect MHT to hold the types of materials she seeks, but the fact here establish that it does not.”

To support MHT’s position, counsel for MHT attaches two affidavits: (1) from Dr. Zachary Singer, the State Terrestrial Archaeologist for MHT (“Singer Affidavit”); and (2) from Rebecca Morehouse, the Curator of State Collections at the Maryland Archaeological Conservation Laboratory (“Morehouse Affidavit”). Dr. Singer’s job duties include providing “archaeological consultations related to development projects that affect cemeteries.” Dr. Singer avers that, on October 23, 2025, he participated in a virtual meeting with the complainant concerning Site 18BC111. Dr. Singer states that he shared “a link to MHT’s archaeological synthesis materials for Site 18BC111,”³ which consisted of two documents. Dr. Singer describes those documents as “a one-page ‘Phase II and Phase III Project Cover Sheet’ . . . and a six-page ‘Phase II and Phase III Archaeological Database and Inventory.’” Those documents, which Dr. Singer states are available on MHT’s website, “summarize the information set out in a third document—an 87-page ‘Phase III Interim Excavation Report (1995-1996) by the Baltimore Center for Urban Archaeology.’”

The Singer Affidavit states that Dr. Singer advised the complainant that the information in the Phase III Interim report is normally “shared only with professional archaeologists or the owner of the property at issue,” due to looting risks. Dr. Singer states that he advised the complainant to “send an email requesting the document and MHT would determine her eligibility to have access to the report.” According to the Singer Affidavit, Dr. Singer also explained to the complainant “why it was unlikely that MHT would have site material other than the Phase III Interim Report”—i.e., because the report itself indicated that the Baltimore Center for Urban Archaeology “collapsed” at the time of the site excavation. Dr. Singer avers that he suggested that the complainant “follow up with the Maryland Historical Society . . . to see whether it has the records she seeks.”

³ Dr. Singer explains that “[s]ynthesis materials collect site information, excavation report summary information, and research results from technical reports in MHT’s Library.”

Dr. Singer states that, after he received the complainant's PIA request, he forwarded it to MDP's PIA Coordinator. In addition, Dr. Singer states that he "consulted with Dr. Matthew McKnight, the Chief Archaeologist, about whether [MHT] could share the Phase III Interim Report with [the complainant]." According to the Singer Affidavit, the two concluded that the report could be shared, as the site had already been destroyed, thus rendering looting concerns moot. Dr. Singer states that he also "initiated a systematic search of MHT's records to determine what other materials MHT might have." Specifically, Dr. Singer states that he contacted MHT's Librarian, who located only the Phase III Interim Report. Dr. Singer states that he also contacted staff at the Maryland Archaeological Conservation Laboratory ("MAC Lab")⁴ and the Curator of State Collections, who "searched their databases and reported to [Dr. Singer] that they found no artifacts, documents, or reports associated with Site 18BC111."

The Singer Affidavit states that Dr. Singer also contacted MHT's Administrator of Project Review and Compliance, who "oversees MHT's review of State- and federally permitted or funded projects to evaluate whether they will adversely affect historic and archaeological resources." The Administrator "confirmed to [Dr. Singer] that there were no additional reports or documents associated with the construction of the Johns Hopkins Comprehensive Cancer Care Center on Site 18BC111" in the division's files. In addition, the Singer Affidavit avers that the Administrator stated that "there was no evidence of Phase I, Phase II, or Final Phase III reports ever having been submitted to MHT." According to the Administrator, "had those final reports been submitted to MHT, they would have been added to the MHT's Library's collections."

Dr. Singer avers that "MHT's Library, MHT's Review and Compliance Project Files, and the MAC Lab's files are the only places [he] is aware of that may have contained responsive records." The Singer Affidavit reiterates that "[a] search of those places turned up only one document that was responsive to [the complainant's] request," the Phase III Interim Report that was produced to the complainant.⁵ The Singer Affidavit also avers that MHT is not "the repository for legal, vestry, or land-transfer records, whether associated with the Site or otherwise," and that such records "would presumably be with the land records maintained by the judiciary or the religious institution involved." Dr. Singer

⁴ The Singer Affidavit explains that the MAC Lab is the State's "curation facility for archaeological collections and associated records generated from land-based and underwater projects conducted by the State and federal agencies throughout Maryland." According to the Singer Affidavit, the MAC Lab "would normally be the custodian of any artifacts generated by an archaeological excavation that was conveyed to MHT for curation and would also have copies of any associated documentation or reports."

⁵ The Singer Affidavit states that Dr. Singer did locate two other records related to the archaeological site at issue, but that he determined that they were not responsive to the complainant's PIA request. Dr. Singer attaches those records to his affidavit.

suggests that it is “possible that the Maryland State Archives might also have records related to those topics.”

Moving to the Morehouse Affidavit, that affidavit states that Ms. Morehouse has “personal knowledge about the disposition of the archaeological records and artifact collections generated by the Baltimore Center for Urban Archaeology (BCUA),” which Ms. Morehouse describes as “an agency of Baltimore City municipal government associated with the Baltimore City Life Museum.” According to the Morehouse Affidavit, the BCUA and the museum dissolved sometime in the mid-1990s and “the BCUA’s archaeological collections were transferred to the Maryland Historical Society.” After the “archive in which the records and collections were house was damaged,” Ms. Morehouse states, the Maryland Historical Society sought to transfer the records and collections to the MAC Lab. The Morehouse Affidavit states that, because title to some 200 boxes of the collection was disputed, those boxes were not transferred to the MAC Lab. Ms. Morehouse avers that “[t]he BCUA’s holdings from Site 18BC111 were among the disputed collections.” Those disputed materials, Ms. Morehouse states, were eventually transferred to the City of Baltimore, which currently has custody of the collections.

Ms. Morehouse states that she searched the MAC Lab databases for “any artifacts, documents, or reports associated with Site 18BC111,” but found none. The Morehouse Affidavit avers that, given what Ms. Morehouse knows about “the disposition of the BCUA collection,” Ms. Morehouse believes that “any such materials are likely within the custody of Baltimore City.” Ms. Morehouse attaches email correspondence from November and December, 2025, in which she advised the complainant that “the materials related to Site 18BC111 never reached the MAC Lab and were mostly likely within the custody of the Baltimore City Archives.”

In reply, the complainant states that she wishes to “clarify the main issue that remains important to [her].” The complainant advises that she is not “approaching this only as a general records requester,” but asserts herself as a “family-history claimant and interested descendant seeking access to records, artifacts, burial documentation, tombstone fragments, and related materials connected to Site 18BC111.” The complainant asks our Board to “consider whether MHT should provide a clearer next-step explanation, including whether MHT has contacted or should contact the known property owner/claimant, Johns Hopkins Hospital, and the current custodian, Baltimore City/CHAP, regarding inspection, access, and proper routing.”

Analysis

Our Board is authorized to review and resolve complaints alleging certain violations of the PIA’s provisions, including that a custodian wrongfully denied inspection of public

records. § 4-1A-04(a)(1)(i).⁶ We have interpreted our authority to review denials broadly to include allegations that a custodian’s insufficient search resulted in a failure to find all responsive records—i.e., a constructive denial. *See* PIACB 23-03, at 3-4 (Nov. 2, 2022). If, after review of the submissions, we determine that the alleged violation has occurred, we must issue a written decision and order a remedy, as provided in the PIA. § 4-1A-04(a)(2) and (3). If we find that a custodian improperly denied inspection of a public record, we must “order the custodian to . . . produce the public record for inspection.” § 4-1A-04(a)(3)(i).

The PIA is meant to provide “access to information about the affairs of government and the official acts of public officials and employees.” § 4-103(a). Such access is accomplished through inspection and copying of public records, which custodians must allow unless a record is exempt from disclosure by law. §§ 4-201(a), 4-205(b). To inspect public records, a person must submit a written request to the records’ custodian. *See* § 4-202(a). The term “custodian” is defined in two ways. First, “custodian” means the “official custodian”—i.e., “an officer or employee of the State or of a political subdivision who is responsible for keeping a public record, whether or not the officer or employee has physical custody and control of the public record.” § 4-101(d)(1) and (f). Second, “custodian” means “any other authorized individual who has physical custody and control of a public record.” § 4-101(d)(2). When a PIA request is submitted to the wrong custodian, the custodian who receives the request must notify the requester of that fact and provide “the name of the custodian” and “the location or possible location of the public record,” if those things are known. § 4-202(c).

When a custodian receives a PIA request, the custodian must “conduct a search in good faith that is reasonably designed to capture all responsive records,” and that uses “methods that can be reasonably expected to produce the information requested.” *Glass v. Anne Arundel County*, 453 Md. 201, 232 (2017) (quoting *Oglesby v. Dep’t of the Army*, 920 F.2d 57, 68 (D.C. Cir. 1990)). The adequacy of a search is evaluated “prospectively by how the agency designed the effort to find responsive records, not retrospectively by its success in locating every responsive record.” *Id.* Ultimately, a search “should be focused on where responsive records are likely to be found.” *Id.*; *see, e.g.*, PIACB 26-43, at 8-9 (Apr. 21, 2026) (finding a search reasonable where affidavits established that the custodian searched in multiple locations using multiple methods).

After review of the submissions—the Singer and Morehouse Affidavits in particular—we find that MHT performed a sufficient and reasonable search for records responsive to the complainant’s PIA request. The Singer and Morehouse Affidavits establish that MHT searched in multiple locations, namely its library, Review and Compliance Files, and the MAC Lab files. Based on the affidavits, it appears to us that

⁶ Statutory citations are to the General Provisions Article of Maryland’s Annotated Code unless otherwise specified.

those are the locations where records are “likely to be found.” *Glass*, 453 Md. at 232. In addition, although the complainant reasonably suggests that MHT should have more records, the Singer and Morehouse Affidavits provide good reason to suspect that MHT has produced the only responsive record it has. As the Morehouse Affidavit explains, the records and artifacts related to the relevant archaeological site were initially in the custody of the now-defunct BCUA. The collection was apparently transferred to the Maryland Historical Society, and then eventually transferred again to Baltimore City. Although MHT’s MAC Lab apparently took possession of many collections from the Maryland Historical Society, the ownership of the collection related to the site at issue was in dispute, thus the MAC Lab could not accept that collection. The record before us thus gives us no reason to believe that MHT is a custodian of any additional records responsive to the complainant’s PIA request.

As discussed above, § 4-202(c) of the PIA requires, when a custodian determines that they are *not* the custodian of the records requested, that the non-custodian notify the requester of that fact and provide the name of the custodian and possible location of the records, if known. MHT complied with that section here when it advised the complainant that the Maryland Center for History and Culture, *see supra*, note 2, and/or Baltimore City may have some of the records she seeks. The complainant asks us to consider whether MHT might have some obligation to contact those entities “regarding inspection, access, and proper routing.” We do not think MHT has any such obligation. Under certain circumstances, an agency that does not have physical possession of a record may nevertheless qualify as the record’s custodian. *See, e.g.*, PIACB 26-81, at 4-5 (July 21, 2026) (suggesting that a certain State’s Attorney’s office would be the custodian of records of a criminal case even though the case was prosecuted by a prosecutor from a different State’s Attorney’s office); PIACB 23-09, at 5 n.8 (Dec. 28, 2022) (stating that the Office of the Public Defender was still the custodian of its records which were stored off-site). In this case, however, it appears that the records concerning the relevant site began in the custody of the BCUA, a Baltimore City agency, and ultimately were not transferred to MHT’s MAC Lab due to the ownership dispute. The record of submissions we have here gives us no reason to think that MHT is “responsible for keeping” these records, “whether or not [MHT] has physical custody and control of the public record,” § 4-101(f), as would need to be the case if MHT were an “official custodian” of the site records.

Conclusion

For the reasons explained above, we find no violation of the PIA. MHT performed a reasonable and adequate search for responsive records and produced the records it found to the complainant.

Sareesh Rawat, Chair
Samuel G. Encarnacion
Debra Lynn Gardner
Nivek M. Johnson
Kimberly A. Moses